FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Cri. Application No. 4571 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. N. P. Deshpande for applicants.
Mr. S.R.Shinde APP
APP for state.

CORAM: A.M. KHANWILKAR J.

DATE: 3/11/2004

P.C.:

Heard learned counsel for the parties. Perused the record.

The applicants apprehend arrest in connection with offence under section 376 (i) (k) (g), 354, 506 read with section 34 of IPC. The investigation is still in progress. The prosecutrix has identified applicant nos. 1 and 3 in the commission of the offence. The offence is of a serious nature. Hence the anticipatory bail application at the instance of applicant nos. 1 and 3 deserves to be rejected. Accordingly their prayer for being released on bail is refused.

In so far as applicant no.2 is concerned he has not been identified by the proscutrix. According to him he has been falsely implicated. The proper course to my mind is to grant relief only to applicant no.2 but on strict conditions. Accordingly, applicant - Baban Sitaram Dhobale, is enlarged on anticipatory bail in connection with CR No. 26 of 2002 of Daund Railway Police Station, on executing a personal bond in the sum of Rs.25000/- with two sureties in the like amount. The applicant shall extend full cooperation to the investigating agency, failing which it can be a ground for cancellation of bail.

Besides, the said applicant shall comply with the conditions specified in section 438 (2) of the Code , as applicable to the State of Maharashtra, as a condition for being released on anticipatory bail. Ordered accordingly.

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